

REMARKS

Presently, claims 1-20, 22-43 and 45-67 are pending in the application. Claims 1, 22-24, 31 and 45-46 were amended in this response. Claims 21 and 24 were canceled, without prejudice. No new matter has been introduced as a result of the amendments. Entry of the amendments and favorable reconsideration is earnestly requested.

Claims 1-3, 8-14, 17-20, 29-37, 40-41, 45, 47-48, 56-62 and 65 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Geiger et al. (US Patent Pub. 2001/0028301)

Claims 4, 6, 25, 38, 39, 43, 53, 55 and 67 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Geiger et al. (US Patent Pub. 2001/0028301), in view of Crystal et al. (US Patent Pub. 2001/0028301).

Claims 5, 7, 15, 16, 21, 28, 42, 49 and 64 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Geiger et al. (US Patent Pub. 2001/0028301), in view of Schuster et al. (US Patent Pub. 2004/0027271).

Claims 22, 50 and 51 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Geiger et al. (US Patent Pub. 2001/0028301), in view of Schuster et al. (US Patent Pub. 2004/0027271) and further in view of Burgess (US Patent No. 6,720,876).

Claim 23 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Geiger et al. (US Patent Pub. 2001/0028301), in view of Burgess (US Patent No. 6,720,876).

Claims 24, 52 and 54 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Geiger et al. (US Patent Pub. 2001/0028301), in view of Hampton et al. (US Patent No. 6,252,522). Applicant respectfully traverses these rejections.

Regarding amended claims 1 and 31, the prior art, alone or in combination, fails to teach or suggest the features of "providing a portable monitor comprising a wireless receiver to a respective participant selected from a plurality of participants in the market research study, the portable monitor being adapted to be carried on the person of a participant; detecting product data in the portable monitor, the product data being contained in a product signal received in the wireless receiver from a predetermined signal transmitter proximal to a respective product, the product data representing the respective product, the product signal having a signal strength selected so that the product data is detectable by the portable monitor only when in a predetermined proximity to the predetermined signal transmitter; [and] storing first time data on

a predetermined time base in association with the product data representing timing of proximity to the product.”

Regarding Geiger, the document teaches a device that is *not* carried on the person of the participant, but is attached to a shopping cart ([0008]; [0032]) so that promotional material may be forwarded to the device ([0054]). In contrast to the present claims, Geiger is not concerned with tracking the time of a user’s proximity to a product (and hence determining product exposure), but merely forwards advertisements and other promotions to the shopping cart, which do not necessarily have anything to do with the proximal product (see, e.g., [0058]).

Crystal does not solve the deficiencies of Geiger, discussed above. While Crystal discloses the transmission of location codes ([0040]), these codes are in relation to a portable device’s location in relation to a receiver that is receiving media data ([0035-37]). Crystal does not disclose the monitoring of product data and the proximal location of a user to the product transmitter. Additional, there is no apparent reason why one skilled in the art would combine the teaching of Crystal with Geiger in the manner suggested in the Office Action, as the Office Action fails to explain how a media receiver (per Crystal) would be incorporated into the shopping cart of Geiger.

Schuster also does not solve the deficiencies of Crystal and Geiger. Similar to Crystal, Schuster discloses the proximity of a user to a media receiver, and has nothing to do with monitoring of product data and the proximal location of a user to the product transmitter. Just as in Crystal, there is no apparent reason why one skilled in the art would combine Schuster with Geiger in the manner suggested in the Office Action.

Burgess and Hampton also do not solve the deficiencies of the art discussed above. Burgess deals with the tracking of multiple objects utilizing GPS, Polhemus, etc. systems (col. 2, lines 12 et al.) where the location of an object relative to a transmitter is known and fixed (col. 3, lines 40-65). Regarding Hampton, the document merely discloses a manual method for recording exposure to a billboard, where the user would manually depress a button to indicate exposure (col. 6, lines 9-16). For at least these reasons, Applicants submit the rejection to claims 1-20, 22-43 and 45-47 should be withdrawn.

Additionally, the prior art, alone or in combination, fails to teach or suggest the features of “storing product location data representing a location of a predetermined product; monitoring

a location of a participant in market research by means of a portable monitor carried on the person of the participant; storing participant location data representing a plurality of locations of the participant monitored by means of the portable monitor; and processing the participant location data and the product location data to produce product proximity data indicating exposure of the participant to the predetermined product.” as recited in independent claims 48 and similarly recited in independent claim 59. None of the cited references disclose the monitoring of participant location in the portable monitor. For at least these reasons, Applicant respectfully submits the rejection to claims 48-67 should be withdrawn.

In light of the present amendments and arguments provided above, Applicants respectfully submit the rejections are overcome and should be withdrawn. Applicants respectfully submit that the patent application is in condition for allowance and request an early Notice of Allowance. The Commissioner is authorized to charge and credit Deposit Account No. 501214 for any additional fees associated with the submission of this Response. Please reference docket number 339198-00066 (P0125A).

Respectfully submitted,

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